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Sent: 4/3/2012 4:34:53 PM
To: Anne Berube/DC/USEPA/US@EPA
CC:
Subject: Fw: Summary of OECA's conference call with House and Senate staff on April 2, 2011 regarding Region 3's Dimock investigation

FYI.

'Hope all is well with you, Anne!

Tim

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From: Caroline Ahearn/DC/USEPA/US
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Date: 04/03/2012 04:02 PM
Subject: Summary of OECA's conference call with House and Senate staff on April 2, 2011 regarding Region 3's Dimock investigation

OECA participated in a conference call yesterday with House and Senate Committee staff about Region 3's Dimock investigation. There was no discussion of EPA's recent decision to withdraw its SDWA Section 1431 order against Range Resources. Questions posed by staff indicate their concern that EPA is continuing to sample and provide water to homes when it's not necessary. They made comments that EPA's own sampling has found nothing. Staff is also concerned about the money EPA is spending to conduct these activities. According to OCIR, it is likely that the House Science Committee will schedule an oversight hearing on Pavillion and Dimock. The following is a brief summary of the questions and answers from the call.

Present:

House Energy and Commerce Committee Majority staff: Jerry Couri
House Science Committee Majority Staff: Tara Rothchild, Clint Woods and Ellen Schultz
Senate Environment and Public Works Committee Minority staff: Dimitri Karakitsos

OECA: Bernadette Rappold, Patricia Mott, Karin Leff, Caroline Ahearn and Tim Sullivan
OSWER: Randy Dietz
Region 3: Cecil Rodriques, Jennie Saxe and Dennis Carney
OCIR: Pamela Jannifer

Dennis Carney discussed the latest sampling results: no levels that pose health concerns or are above MCLs. However, four homes tested for methane above the trigger level of 28 ppm. At this level, methane leaves the solution and enters the atmosphere, posing a risk of explosion. Two of the homes are not connected to wells and the others have been advised about the need for ventilation.

Questions from Hill staff:

- The initial sampling determined levels below MCLs that did not raise health concerns, yet EPA continued to provide water to three homes and is planning to resample. Why is this necessary? A: Experience shows that there can be changes in ground water wells quickly over time. It's prudent to conduct a second round of sampling.
- Is the sampling plan posted? A: Yes, it's on EPA's website. EPA is sampling a smaller number of homes during the second round.
- Will the sampling be done with Cabot and PA DEP? A: We have offered them the ability to split samples.
- What was the basis for determining that three or four homes had elevated levels of arsenic and manganese? A: Based on data from Cabot and the state. Agency risk assessors determined that three homes had high manganese levels presenting a health concern and one home had arsenic levels above the MCL.
- At what levels are arsenic and manganese naturally occurring? Did you sample outside the zone of the homes? A: No, but we are looking at background levels.
- Did you get the homeowner's permission to conduct the latest round of sampling? A: We offered to split samples with Cabot and PA DEP. They get access from the homeowners. One homeowner allowed access to PA DEP but not Cabot.
- Can you track where methane originates from? A: Isotopic analyses are used to determine if methane is biogenic (swamp areas, naturally occurring) or thermogenic (generated deeper in the earth). Region 3 does not have the results yet.
- In the second round of sampling, data for how many homes will be released? A: 20 (Region 3's first round data release was for 11 homes and the second round is going to be for 20 homes.)
- Have you talked to PA DEP about local well construction practices? A: Not sure how much this has been discussed. The state does not regulate these wells.
- From your initial sampling, did you identify the source of coliform? A: We have not identified the source of any contaminants. We are collecting data on the quality of drinking water.
- What is the purpose of your exercise? A: Protection of public health.
- Since your results have found nothing, Is there any reason to believe that the state was not originally doing a good job addressing this matter? A: No conclusions have been made.
- How much have you spent so far? Probably about \$300,000.
- Can we get a detailed breakdown of what you have spent? A: yes
- What is the authority for your investigation? A: CERCLA Section 104(e). The agency has used CERCLA authority on hundreds of occasions to address contamination in drinking water.
- Can you give us an example where you have used it in a similar case? A PA farm that was contaminated with arsenic.
- Will you use CERCLA 107 and 108 authorities in the Dimock matter if you don't find a PRP that can pay the costs? A: We are paying the costs out of the Superfund trust fund.
- What is the enforcement level for cleanup? A: States use ARARs.

At the conclusion of the call, Hill staff asked for a follow up call next week and they would like to talk with us for more than 30 minutes. The call today lasted 45 minutes. OCIR has repeatedly asked Hill staff to forward questions in advance but they have declined.

Caroline Ahearn

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